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*Counsel for Plaintiffs Tech Data Corporation  
 and Tech Data Product Management, Inc.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN FRANCISCO DIVISION)**

In re: CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Individual Case No. 13-CV-00157-SC

Master File No. 07-cv-5944-SC (N.D. Cal)

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 This Document Relates to Individual Case  
 No. 13-CV-00157-SC

MDL No. 1917

TECH DATA CORPORATION; TECH  
 DATA PRODUCT MANAGEMENT,  
 INC.,

**DECLARATION OF SCOTT N.  
 WAGNER IN SUPPORT OF TECH  
 DATA CORPORATION AND TECH  
 DATA PRODUCT MANAGEMENT,  
 INC.'S ADMINISTRATIVE MOTION  
 TO FILE DOCUMENTS UNDER SEAL  
 PURSUANT TO CIVIL LOCAL  
 RULES 7-11 AND 79-5**

Plaintiffs,  
 vs.

HITACHI, LTD; *et al.*

Before the Honorable Samuel Conti

Defendants.

1 I, SCOTT N. WAGNER, declare as follows:

2 I am a partner at the law firm of Bilzin Sumberg Baena Price & Axelrod LLP, counsel for  
3 Plaintiffs Tech Data Corporation and Tech Data Product Management, Inc. ("Tech Data"), and I  
4 am licensed to practice law in the State of Florida and admitted to practice *pro hac vice* before  
5 this Court. Except for those matters stated on information and belief, which I believe to be true,  
6 I have personal knowledge of the facts stated herein, and, if called as a witness, I could and  
7 would competently testify thereto.

8 On February 27, 2014, Tech Data Corporation and Tech Data Product Management, Inc.  
9 ("Tech Data") filed their Opposition to Defendants Thomson Consumer Electronics, Inc. and  
10 Thomson SA's Motions to Strike with Prejudice Tech Data's First Amended Complaint  
11 ("Opposition"). Filed contemporaneously with the Opposition was the Declaration of Scott N.  
12 Wagner ("Wagner Declaration"), which attaches evidence in support of the Opposition.

13 Portions of Tech Data's Opposition, and the entireties of Exhibits G, J, K, L, M, N, O, P,  
14 Q, S, T, U, V, W, X ("Designated Exhibits") to the Wagner Declaration, contain excerpts from  
15 and/or statements derived from documents and testimony which have been designated  
16 "confidential" or "highly confidential" pursuant to the Stipulated Protective Order governing the  
17 CRT Antitrust MDL, which was entered by Judge Samuel Conti on June 18, 2008 (Document  
18 No. 306). The confidential/highly confidential designations were made by certain defendants in  
19 the CRT Antitrust MDL. To qualify as confidential or highly confidential under the Stipulated  
20 Protective Order, the information must contain trade secrets or other confidential research,  
21 development or commercial information or private or competitively sensitive information.  
22 (Stipulated Protective Order at ¶1)

23 The Stipulated Protective Order requires that a party may not file any confidential  
24 material in the public record. (Stipulated Protective Order at ¶10) The Stipulated Protective  
25 Order further provides that any party seeking to file any confidential material under seal must  
26 comply with Civil Local Rule 79-5. (Stipulated Protective Order at ¶¶1, 10.)

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2 Portions of the Opposition and the entireties of the Designated Exhibits contain such  
3 confidential material and, pursuant to Local Rule 79-5(e), Tech Data seeks to submit the above  
4 material under seal in good faith in order to comply with the Protective Order in the CRT  
5 Antitrust MDL and the applicable Local Rules. Specifically:

6 Pages 7, 8, 10, and 11 of the Opposition refer, contain, and/or reflect excerpts of  
7 documents and testimony that have been designated as “Confidential” or “Highly Confidential”  
8 pursuant to the Stipulated Protective Order.

9 Exhibit G is a true and correct copy of document, Bates Numbered HEDUS-  
10 CRT00162777, produced by Hitachi Electronic Devices (USA), Inc. (“HEDUS”) on  
11 approximately Dec. 16, 2011 with the custodian designation of Tom Heiser, designated by  
12 counsel for HEDUS as “Confidential.”

13 Exhibit J is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
14 00095077, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
15 of Sean Collins, designated by counsel for TAEC as “Highly Confidential.”

16 Exhibit K is a true and correct copy of a document, Bates Numbered SDCRT-0088604,  
17 produced by Samsung SDI on approximately Sept. 19, 2011 with the custodian designation of  
18 Samsung SDI, designated by counsel for Samsung SDI as “Highly Confidential.”

19 Exhibit L is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
20 00116979, produced by Toshiba America Electronic Components, Inc. (“TAEC”) on  
21 approximately Aug. 31, 2011 with the custodian designation of Sean Collins, designated by  
22 counsel for TAEC as “Highly Confidential.”

23 Exhibit M is a true and correct copy of the original document and its certified translation,  
24 Bates Numbered MTPD-0426066 and MTPD-0426066E, produced by Panasonic Corporation on  
25 approximately Oct. 17, 2011 with the custodian designation of Koichi Nishiyama, designated by  
26 counsel for Panasonic Corporation as “Confidential.”

1 Exhibit N is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
2 00095072, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
3 of Sean Collins, designated by counsel for TAEC as "Highly Confidential."

4 Exhibit O is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
5 00086226, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
6 of Sean Collins, designated by counsel for TAEC as "Highly Confidential."

7 Exhibit P is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
8 00094042, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
9 of Sean Collins, designated by counsel for TAEC as "Highly Confidential."

10 Exhibit Q is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
11 00095092, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
12 of Sean Collins, designated by counsel for TAEC as "Confidential."

13 Exhibit S is a true and correct copy of the original document and its translation, Bates  
14 Numbered CHU00030040 and CHU00030040E, produced by Chunghwa Picture Tubes, Ltd. on  
15 approximately March 8, 2010, designated by counsel for Chunghwa Pictures Tubes, Ltd. as  
16 "Confidential."

17 Exhibit T is a true and correct copy of excerpts from Samsung SDI's Supplemental  
18 Response to Direct Purchaser Plaintiffs' First Set of Interrogatories, Nos. 4 and 5 (Oct. 17,  
19 2011), designated by counsel for Samsung SDI as "Confidential."

20 Exhibit U is a true and correct copy of a document, Bates Numbered TAEC-CRT-  
21 00090061, produced by TAEC on approximately Aug. 31, 2011 with the custodian designation  
22 of Sean Collins, designated by counsel for TAEC as "Confidential."

23 Exhibit V is a true and correct copy of the original document and its certified translation,  
24 Bates Numbered SDCRT-0006632 and SDCRT-0006632E, produced by Samsung SDI on  
25 approximately June 18, 2010 with the custodian designation of K.C. Oh, designated by counsel  
26 for Samsung SDI as "Privileged and Confidential" or "Highly Confidential."

27 Exhibit W is a true and correct copy of the original document and its certified translation,  
28 Bates Numbered SDCRT-0002526 and SDCRT-0002526E, produced by Samsung SDI on

1 approximately Dec. 8, 2010, designated by counsel for Samsung SDI as “Privileged and  
2 Confidential” or “Highly Confidential.”

3 Exhibit X is a true and correct copy of the original document and its certified translation,  
4 Bates Numbered SDCRT-0002585 and SDCRT-0002585E, produced by Samsung SDI on  
5 approximately Dec. 8, 2010, designated by counsel for Samsung SDI as “Privileged and  
6 Confidential” or “Highly Confidential.”

7 Therefore, Tech Data respectfully requests an order sealing portions of the Opposition  
8 and the entireties of the Designated Exhibits in this case.

9 I declare under penalty of perjury under the laws of the United States and the State of  
10 Florida that the foregoing is true and correct.

11 Executed this 27th day of February, 2014, in Miami, Florida.

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13 /s/Scott N. Wagner

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1 Dated: February 27, 2014

2 Respectfully Submitted,

3 /s/Scott N. Wagner

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5 SCOTT N. WAGNER  
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*Counsel for Plaintiffs Tech  
Data Corporation and Tech Data Product  
Management, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document was electronically served upon the parties and counsel of record through the Court's ECF system on February 27, 2014.

/s/Scott N. Wagner  
Scott N. Wagner  
*Attorney for Plaintiffs*  
*Tech Data Corporation and*  
*Tech Data Product Management, Inc.*